

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:08-CR-42
	)	(PHILLIPS/SHIRLEY)
BRETT EDWARD DIRR, and	)	
RENEE DIRR,	)	
	)	
Defendants.	)	

**ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. The parties appeared before the Court on October 29 and 30, 2008 for a hearing on their pending motions. The Court heard argument and the government's proffered testimony on the Defendants' Joint Motion to Suppress & Motion to Compel the Return of Defendants' Documents [Doc. 55]. Following argument, the parties agreed to meet on November 6, 2008 for the return of documents seized from the defendants' home that were not relevant to the case. On November 25, 2008, the Court received from Defendant Renee Dirr, who is presently proceeding pro se, a copy of a November 22, 2008 letter that Mrs. Dirr had written to Assistant United States Attorney Frank M. Dale, Jr., describing perceived problems with the return of documents.

The Court previously noted that if there were disclosure issues to bring those to the Court's attention. Mrs. Durr's pro se letter has raised issues with regard to such disclosures, and the Court notes these may, to some degree, affect the pending suppression motion, which the Court has under advisement. Accordingly, the parties are **ORDERED** to appear for a status conference and supplemental motion hearing<sup>1</sup> on the Defendants' Joint Motion to Suppress & Motion to Compel the Return of Defendants' Documents [Doc. 55] and on the treatment of that motion and Mrs. Durr's November 22, 2008 letter as a Rule 41(g), Fed. R. Crim. P., motion. The defendants are **ORDERED** to bring with them all of the items that have been returned to them by the government following the hearings before this Court on October 29 and 30. The government is **ORDERED** to bring all of the items that have not been returned. Moreover, the government is to have a witness available to explain the general basis for not returning the items seized as well as the specific reason why those items designated by Mrs. Durr in her November 22, 2008 letter were not returned. The Court will reserve ruling on the suppression motion until after this hearing.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge

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<sup>1</sup>The date for this hearing will be scheduled by the Court's chambers.